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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,927	08/22/2003	Franciscus P. Bart	7623DIV	9598

7590 05/04/2004

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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,927

Applicant(s)

HART

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Specification

2. The abstract of the disclosure is objected to because it includes legal phraseology such as "comprising". Correction is required. See MPEP § 608.01(b).
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, (1) line 7, "am integral" should be "an integral", (2) line 14, "a locking recess disposed between said arms and said protrusions" should be "a locking recess disposed between each said arm and said protrusion". Claim 2, line 1, "protrusion region" lacks antecedent basis. Claim 4, (1) line 14, "a locking recess disposed between said arms and said protrusions" should be "a locking recess disposed between each said arm and said protrusion",

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(2) since line 10 recited "each arm having a hook for grasping said top", the recitation on line 27 of "means for grasping the top" renders the claim indefinite for failing to clearly define whether the grasping means is the same or different from the hooks. Claim 5, lines 1-2, the limitation "means for grasping the top comprise hooks" renders the claim indefinite for failing to clearly define whether these hooks are the same or different from the hooks in claim 4. Claim 6, (1) line 14, "a locking recess disposed between said arms and said protrusions" should be "a locking recess disposed between each said arm and said protrusion", (2) since line 10 recited "each arm having a hook for grasping said top", the recitation on line 27 of "means for grasping the top" renders the claim indefinite for failing to clearly define whether the grasping means is the same or different from the hooks. Claim 7, lines 1-2, the limitation "means for grasping the top comprise hooks" renders the claim indefinite for failing to clearly define whether these hooks are the same or different from the hooks in claim 6. Claim 10, lines 1-2, the limitation "means for grasping the top comprise hooks" renders the claim indefinite for failing to clearly define whether these hooks are the same or different from the hooks in claim 6.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 1,832,801 to Wright.

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Wright discloses a modular, knockdown furniture item adapted to be disposed upon a generally flat or horizontal supporting surface, the furniture item comprising, such as shown in Figs 10-14: a generally planar top 90 adapted to be supported vertically above said supporting surface; a plurality of generally planar, radially spaced apart legs 85-88, each leg comprising: a junction region 103; an integral, lower foot extending away from said junction region for contacting said supporting surface, an integral, upper arm extending angularly outwardly and upwardly from said junction region for grasping said top; an integral, upright protrusion 104 extending vertically upwardly away from said junction region, the width of the protrusion gradually decreasing towards the top, each protrusion 104 comprising an elongated, inner edge; and, a locking recess disposed between each said arm and said protrusion; a generally planar lock 114 adapted for deployment between said surface and said top for captivating the legs and compressing them together in fixed, radially spaced-apart alignment, the lock comprising: intersecting, internal slots 120-123 through which the protrusion 104 from each leg extends, and, notches 115-118 aligned with said slots 120-123 for frictionally engaging a portion of said arms upon assembly; whereby, when the protrusions are engaged within said slots and the lock is thereafter pressed downwardly against yieldable pressure from frictional contact of the protrusions sliding relative to and within the slots, the legs are compressively captivated together in fixed, radially spaced apart alignment, with the lock seating within said locking recesses and with said protrusion edges being compressively locked together in mutually abutting relation; wherein each protrusion 104 region comprises wedging ramps opposite said inner edges, and said locking recesses comprise a ledge for seating said lock 114; wherein the arms comprise, such as shown in Fig 11, upper ledges 101 for seating the top and hooks for grasping the top,

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said hooks being drawn into engagement with said top in response to downward movement of said lock as it engages the protrusions and seats within said recesses.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seipel, and Chang all show structures similar to various elements of applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT

May 02, 2004


Hanh V. Tran
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